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PETITION NOT PRINTED

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Supreme Court of the United States

OCTOBER TERM 1958.

No. 842

ANONYMOUS NO. 16 and ANONYMOUS NO. 17 (individually) and ANONYMOUS NO. 16 and ANONYMOUS NO. 17 (as copartners),

Petitioners,

—against—

HON. GEORGE A. ARKWRIGHT, a Justice of the Supreme Court of the State of New York and DENIS M. HURLEY,

Respondents.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

THE RELIEF SOUGHT BY PETITIONERS AND THE DECISIONS BELOW

Petitioners seek a writ of certiorari to review an order of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, entered on October 9, 1958, denying their motion to vacate two subpoenas and a subpoena duces tecum issued to them by respondents and, jointly or in the alternative, a writ of certiorari to review an order of the Court of Appeals of the State of New York made and entered January 15, 1959 denying to peti-

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tioners leave to appeal to that Court from the aforesaid order of the Appellate Division.

There were no opinions by either the Court of Appeals or the Appellate Division. Copies of the order of the Appellate Division denying the motion, the order of the Appellate Division denying petitioners' leave to appeal to the Court of Appeals and the order of the Court of Appeals denying them leave to appeal, are set forth in Appendix B of the petition (pp. 35-41).

STATEMENT; QUESTION PRESENTED AND ARGUMENT

The Statement, Question Presented and Argument in this proceeding No. 842 are omitted from the within brief as they are the same as in proceeding No. 841.

Except for the fact that the petitioners herein are law partners and that they were served with subpoenas *ad testificandum* as well as a subpoena duces tecum calling for the financial records of their law firm relating to certain specified cases, the petition for certiorari (No. 841) submitted to this Court with regard to Anonymous No. 14 is almost verbatim (certain immaterial facts and dates excepted) with the petition herein. We are submitting simultaneously herewith a brief in No. 841 (Anonymous No. 14) which, in our view, answers the arguments made in the instant petition. Accordingly, we refer the Court to our brief in No. 841 and respectfully request that the Court treat that brief as the respondents' brief in opposition to the instant petition.

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE DENIED, WITH COSTS AND DISBURSEMENTS.

Dated: Brooklyn, New York,
May 13, 1959.

Respectfully submitted,

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MICHAEL A. CASTALDI,
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